CHAPTER

32

LAND REFORMS

Verify, the land belongs to him who labours on it.

— **Mahatama Gandhi**

"On this anniversary of our Republic we must resolve to complete the unfinished task of land reforms that we have embarked upon years ago and empower the landless poor and small farmers who have not got any benefits from the Green Revolution. Much of the poverty and unrest in rural India — the class conflicts and the economic violence — can be traced to gross injustice in the distribution of land and some kind of counter-revolution that is taking place holding up the implementation of land reforms and snatching away of whatever benefits progressive legislations had bestowed upon the poor."

— **K.R. Narayanan, President of India, Presidential Speech broadcast on 25th January 1998.**

1. THE NEED AND SCOPE FOR LAND REFORMS IN A DEVELOPING ECONOMY

Productivity in agriculture is mainly dependent on two sets of factors--technological and institutional. Among the technological factors are the use of agricultural inputs and methods such as improved seeds, fertilisers, improved ploughs, tractors, harvesters, irrigation, etc., which help to raise productivity, even if no land reforms are introduced. The institutional reforms include the redistribution of land ownership in favour of the cultivating classes so as to provide them a sense of participation in rural life, improving the size of farms, providing security of tenure, regulation of rents, etc. In other words, the institutional factors, such as the existence of feudal relations, small size of farms, sub-division and fragmentation, insecurity of tenancy rights, high rents, etc., act as disincentives to the peasantry to raise production. They weaken the capacity of the farmers to save and invest in agriculture as also to enjoy the fruits of their labour. Consequently, two schools of thought emerged. The Socialists believe that the existence of feudal or semi-feudal relations was the real cause of backwardness and poverty in rural communities. The emancipation of the peasanty from the bondages of institutional depressors will unleash forces which shall automatically raise levels of production in agriculture. The other school of thought believes that agricultural productivity is purely a technological phenomenon and that it can be raised by the application of superior agricultural methods. Thus, whereas the key to higher productivity lies in technological change according to one school, it lies in institutional reforms according to the other. Quite recently, both the schools of thought are con-verging and opinion has come to centre round the idea that land reforms and technological change are not mutually exclusive factors but are complementary in the process of agricultural development. It is held that technological change can work more effectively in a congenial agrarian structure and in this way the process of development can be accelerated.

The purpose of land reforms is, therefore, twofold. On the one hand, it aims to make more rational use of the scarce land-resource by affecting condition of holdings, imposing ceilings and floors on holdings so that cultivation can be done in the most economical manner, i.e., without any waste of labour and capital; on the other, it is a means of redistributing agricultural land in favour of the less privileged classes, and of improving the terms and conditions on which land is held for cultivation by the actual tillers, with a view to ending exploitation.

The Indian National Congress in 1935 in a Resolution on land reforms stated unequivocally: "There is only one fundamental method of improving village life . . . namely, the introduction of a system of peasant proprietorship under which the tiller of the soil is himself the owner of it and pays revenues direct to the government without the intervention of any zamindar or talukdar."

Scope of Land Reforms

Land reforms aim at redistributing ownership holding from the viewpoint of social justice, and reorganising operational holdings from the viewpoint of optimum utilisation of land. Besides this, there is the problem of conditions of tenancy, i.e., the rights and conditions of holding land. Land reforms aim at providing security of tenure, fixation of rents, conferment of ownership, etc. The entire concept of land reforms aims at the abolition of intermediaries and bringing the actual cultivator in direct contact with the state. The provisions of security of tenancy and rent regulation provide a congenial atmosphere in which the agriculturist feels sure of reaping the fruits of his labour.

The scope of land reforms, therefore, entails :

(a) abolition of intermediaries; (b) tenancy reforms, i.e., regulation of rent, security of tenure for tenants and conferment of ownership on them; (c) ceiling and floors on land holdings; (d) agrarian reorganisation including consolidation of holdings and prevention of sub-division and framentation; and (e) organisation of cooperative farms.

Basically, land reform measures are aimed at alleviating rural poverty in the following manner:

(i) By distributing land among the landless by taking possession of surplus land from large land holders;

(ii) By providing security of tenure and ownership rights to tenants and share-croppers and by regulating rent payable by them to the landlords.

(iii) By protecting the interests of tribals in land and preventing non-tribals to encroach upon tribal lands

(iv) By promoting consolidation of holding to improve the size of operational holdings thereby paving the way to raise productivity

(v) By development of public lands thereby providing better access to the rural poor to obtain fuel wood and fodder.

(vi) By providing access to women to land and other productive assets.

(vii) By protecting homestead rights of the rural poor on lands owned by them and providing them with house sites to enable them to construct residential houses.

2. THE ABOLITION OF INTERMEDIARIES

It is customary to classify the various categories of land tenure systems before independence into three broad heads : Zamindari, Mahalwari and Ryotwari.

(i) **Zamindari Tenure.** Under the Zamindari system, which was introduced by Lord Cornwallis in 1793 in Bengal, land was held by one person or at the most by a few joint owners who were responsible for the payment of land revenue. The system was introduced by the East India Company to create vested interests in land and thereby cultivate a privileged and loyal class. The various forms of tenure such as Zamindari, Jagirdari, Inamdari, the princely States etc. were artificially created. The revenue collectors were raised to the status of landowners. Earlier they were responsible for collecting land revenue for which they received a commission. The Zamindari settlements made them owners of land, thereby creating a permanent interest in land.

The Zamindari settlements were of two types—permanent settlement and temporary settlement. The permanent settlement fixed land revenue in perpetuity. This system prevailed in Bengal, North Madras and Banaras. Under temporary settlement land revenue was assessed for a period ranging between 20 and 40 years in various states. Land revenue, therefore, was subject to revision. Temporary settlement was effected with remaining zamindars of Bengal, taluqdars of Oudh, etc. Since the period of assessment was fairly long, temporary settlement was not really temporary. Land revenue was thus fixed and in doing so, the primary object of the East India Company was to fix responsibility for the punctual payment of land revenue.

The British Government pleaded that the zamindars represented the most enlightened section of the rural population and the conferment of tenurial rights could result in improvements on land and better agriculture. But these expectations were not fulfilled. With growing population and decaying village industries under the

British rule, the demand for land grew and it was possible for the landlords to charge very heavy rents from tenants. Zamindari system supposedly introduced to foster progressive agriculture, degenerated into absentee landlordism. Thus, between the state and the actual tiller there grew an intermediary who was interested in land only to the extent of extraction of exorbitant rent. Historically, the landlords as a class are known for their extravagance on women, wine and vices. The landlords of India were no exception. Thus, the money extracted from the cultivators by these parasites did not result in capital formation but increased conspicuous consumption. The zamindari villages were thus divided into two agricultural classes--the absentee owners and non-owner cultivators. The absentee owners exploited the actual tillers. Absence of state intervention of any type gave a free hand to the exploiting classes to indulge in rack renting, evictions, *begar*[1] and many other social evils. The landlords symbolised oppression and tyranny. Indian agriculture was reduced to a form of subsistence farming. It was disincentive-ridden, but there was no escape from it, since it represented the principal source of livelihood for the masses.

(ii) **Mahalwari Tenure**. Under the Mahalwari tenure, the village lands were held jointly by the village communities, the members of which were jointly and severally responsible for the payment of land revenue. The system was first introduced in Agra and Oudh and later on in Punjab. Under the system, the village common or *Shamlat* is the property of the village community as a whole. Similarly, the waste lands also belong to the village community and it is free to rent it out and divide the rents among the members of the community or partition it to bring it under cultivation without any leave of the Government. The system is the product of Muslim tradition and development, particularly in Punjab.

A certain sum is assessed as land revenue for the whole village for which the whole body of co-sharers are jointly and severally responsible. The village *lumberdar* collected revenue for which he received panchortra, i.e., 5 per cent as commission.

(iii) **Ryotwari Tenure**. Under the Ryotwari tenure, land may be held in single independent holdings. The individual holders were directly responsible to the state for the payment of land revenue. The first Ryotwari settlement was made in Madras in 1972. It was the product of Hindu tradition. This form of tenure was prevalent in Bombay, Berar and Central India. The ryot is at liberty to sub-let his land and enjoys a permanent right of tenancy so long as he pays the assessment of land revenue. Some elements of zamindari tenure did appear in this system too because the peasants in ryotwari areas could sublet their land.

The popular nomenclature of ryotwari, mahalwari and zamindari concealed the vast transformation that had taken place during 150 years of practice. Emphasizing this point, H. Venkatasubbiah mentions : "If Lord Cornwallis and Sir Thomas Munro, the respective protagonists of the zamindari and the ryotwari, were to look at the system in 1940 they would barely recognise them as such."[2] The co-existence of zamindari, ryotwari and mahalwari led to an intermixing of characteristics. But the three systems gravitated towards the tendencies of the zamindari system. Sub-letting, rack-renting became a common characteristic even in the ryotwari areas. The mahalwari system acquired the characteristics of the zamindari system in states like Madhya Pradesh and U.P. (Agra) where the Government laid emphasis on joint responsibility of the village for land-revenue assessment; at the same time, it acquired the characteristics of absentee landlordism of the ryotwari areas in Punjab where emphasis was on several responsibility for the payment of land revenue. Similarly, in inams and jagirdari areas, the zamindars demanded between a half and two-thirds as settlement. As there were no records, they could charge quit rents from the cultivators. Thus, on the eve of independence, on the one extreme, there were landless labourers and tenants-at-will and on the other, were big landlords owning huge estates. But a very disquieting feature of the situation was the absence of the proper revenue records which made the task of abolition of intermediaries more difficult. Consequently, the need for a complete census of holdings was felt. The intermixing of the various systems made it difficult to know the rentier class as defined by the earlier acts.

Abolition of Intermediaries—The Policy and Measures

Although steps were taken earlier the actual abolition of intermediaries started in 1948 with the enactment of legislation in Madras. Legislation was passed in all states, but for a few minor tenures and inams as in Assam, Gujarat, Madras and Maharashtra. Incidentally it may be mentioned that West Bengal--the state worst affected by the ravages of absentee landlordism--was among the late comers to adopt legislation in 1954-55. As a result of the conferment of rights, about 30 lakh tenants and share-croppers acquired ownership rights over a total cultivated area of 62 lakh acres throughout the country.

While the aim was to abolish intermediaries

1. A service for which no payment is made.

2. Venkatasubbiah, H., *Indian Economy since Independence*, p. 51.

between the 'tiller and the State,' in actual practice the legislative enactments equated intermediaries with zamindars and, consequently, the legislation left a class of rent-receivers and absentee landlords under ryotwari untouched. Venkatasubbiah writes : "The Party and the Government at the Centre and in the States began to give thought to curtailing the power of non-zamindari rentier only at a subsequent stage of their agrarian policy."[3]

Compensation to Intermediaries

Unlike Communist countries, abolition of intermediaries was not done in India without compensation. In Russia, China, Yugoslavia, etc., landlords were expropriated from land without any compensation. They were reduced to the position of wage earners at the collective farms. But the Congress Party which assumed power after independence was committed to the payment of compensation to the landlords. Although the makers of the Constitution provided for compensation they did not clearly mention 'just and equitable compensation.' Consequently, the Zamindari Abolition Acts were challenged in the High Courts and later taken to the Supreme Court for adjudication. The Supreme Court while upholding the right of the legislatures to acquire lands for a public purpose, ruled that compensation is a justiciable issue. The rates of compensation, the ceiling limit of compensation and even the principles determining compensation were revised and the landlords were quite successful in getting equitable and in some cases more than equitable compensation.

The basis and rate of compensation varied from state to state. Compensation was fixed as a multiple of net income of the proprietor at the time of expropriation. This multiple was high in the case of lower income brackets and declined in upper income brackets. In some States, uniform multiple of net income was introduced as compensation, but proprietors with small incomes were, in addition, to be paid rehabilitation grant. In some States compensation was a multiple of the revenue assessment. Yet in some other States compensation was correlated with the market value of land, (e.g., in Kerala).

The compensation was, however, to be paid in cash or in bonds. These bonds were to be redeemed in equal instalments spread over a long period ranging between 10 to 30 years in various states. The big proprietors were to be given bonds but the comparatively small proprietors were to be paid in cash. The ex-intermediaries were given compensation amounting to ₹ 670 crores in cash and in bonds.

3. *Ibid.*, p. 57.

3. TENANCY REFORMS

The Problem of Tenancy Cultivation

Under the Zamindari and Ryotwari systems, tenancy cultivation had been quite common in India. Tenancy cultivation may be done by small proprietors who find that they have an insufficient quantity of land or it may be carried on by landless labourers. Sometimes, the tenants holding land from an intermediary may sub-let it for cultivation. Broadly speaking, tenants are divided into three categories (i) Occupancy or permanent tenants, (ii) Tenants-at-will or temporary tenants, and (iii) Sub-tenants. The rights of tenancy of the occupancy tenants are permanent and heritable. They can also receive compensation from the landlords in case they make some improvements on land. They enjoy a fixity and security of tenure which makes them the virtual owners of land. It can be said that the only difference between the occupancy tenant and the peasant proprietor is that the former is required to pay rent to the landlord and the latter to pay land revenue to the state. So, for all practical purposes, occupancy tenants are treated as land owners.

The position of tenants-at-will and that of subtenants is extremely weak. They are subject to ruthless exploitation. Frequent enhancement of rent, evictions on minor pretexts of several kinds, extractions and *begar* are some of the popular ways of exploitation. In a country where the demand for land is much more than its supply on account of a growing population, exploitation of weak and unprotected tenants is a widespread evil. Fifty per cent of the produce was the normal rent under Batai or share-cropping. On several occasions, the peasants had to forego even two-thirds of the produce as rent. A situation like this coupled with insecurity necessisted tenancy reforms.

Extent of Tenancy

The National Sample Survey in 1953-54 (8th Round) made an estimate of the land held under tenancy and sub-tenancy in different parts of India (occupancy tenants were excluded). The percentage of area leased out varied from 11 to 26 per cent, though the all-India average was 20 per cent. It showed that about one-fifth of the total area was held under tenancy and thus it was not possible to ignore a problem affecting such a wide area. According to 1961 census, 77 per cent of the total cultivating households were in the nature of ownership holdings, 8 per cent on pure tenancy and 15 per cent in mixed tenancy.

Besides this open tenancy, there is a considerable amount of land leased out on the basis of oral or hidden tenancy which accounts for anything between 35-40 per cent of total cultivated area.

Informal or Oral Tenancy. Informal tenancy has been a common feature of traditional agricultural societies. Although attempts have been made to provide security of tenure, redistribution of land and fixation of fair rents, yet informal or oral tenancy has continued to exist even to this day. The term 'informal tenancy', loosely referred to as oral tenancy, refers to tenancy without legal sanction and permission, or without any written agreement.

In two case studies, one in a district of Eastern U.P. and the other in western U.P. conducted by Mr. D.S. Chauhan, it was revealed that in Eastern U.P., the extent of informal sub-letting was of the order of 29 per cent of the net cultivated area and 17 per cent of landholders were involved in it. In Western U.P., 13 per cent of the net cultivated area was sublet informally and 28 per cent of landholders were involved. A very disturbing feature of the prevailing situation is that formal sub-letting was less than 1 per cent of the total area in the study pertaining to Eastern U.P. and 4 per cent in Western U.P. In other words, bulk of the land is leased out on informal tenancy basis. The overall magnitude of the problem demands serious attention.

The principal purpose of shifting to informal tenancy is to extract higher land rents from tenants. This is more so in view of the high-yielding varieties programme which has brought a realisation among landlords that land is a very valuable asset and promises high rate of return. In a country marked by land hunger, it is possible to take advantage of the situation by charging high rents. Secondly, informal tenancy arrangements are a convenient device with the landlords for nullifying tenancy reforms. Thus, unrecorded or clandestine tenancy perpetuates a semi-feudal land system which was sought to be abolished by measures of land reform.

Measures of Tenancy Reform

The legislation for abolition of intermediaries was aimed at providing land to the tiller but it did not put an end to the problem of tenancy. Some leasing is bound to remain. A widow or an unmarried woman, a minor or a person suffering from mental infirmity and members of the armed forces may have to lease out their lands. Moreover, even with the limit of ceiling, it may not be possible for a family to cultivate the entire land and so some sub-letting is unavoidable. Besides, in order to induce agricultural population to take over to non-agricultural occupations, some sub-letting to tenants may be allowed. A total ban on letting or sub-letting land would neither be socially desirable nor administratively practicable. It is, therefore, more rational to take measures to minimise the evils of tenancy cultivation.

Measures of tenancy reform pertain to (i) regulation of rent; (ii) security of tenure; and (iii) conferment of ownership on tenants.

Regulation of Rents

During the pre-Independence period, rents were fixed either by custom or were the result of the market forces of demand and supply. Supply of land being fixed, the demand for land growing with an increasing population, there has been a continuous tendency for rents to rise. The decay of handicrafts increased the dependence on land further and thus pushed up rents. Rack-renting was a common feature of the Indian agrarian structure.

It was, therefore, imperative that rents should be fixed by enacting legislation. The rates of rent prevalent were one-half of the produce or more. Considering the return on investment in other sectors of the economy, these rents were excessive by any standard of social justice. Consequently, the First and the Second Plan recommended that rents should not exceed one-fourth or one-fifth of the gross produce. Various States have passed necessary legislation regulating rents, but there are large variations in the rates of rents fixed in different states. In Gujarat, Maharashtra and Rajasthan, one-sixth of gross produce is fixed as maximum rent. In Assam, Karnataka, Manipur and Tripura, maximum rents vary between one-fourth to one-fifth of the gross produce. In Punjab, one-third of produce has been considered as fair rent, while in Tamilnadu it is between 33.3 and 40 per cent of gross produce. In Jammu and Kashmir, one-third of the gross produce, in Andhra Pradesh one-fourth of the gross produce for irrigated lands and one-fifth in other cases has been fixed as rent.

Owing to the weak position of the tenants and the prevalence of the widespread land hunger, the law regulating rents is observed more in its breach than in its compliance. The Third Plan rightly asserted : "When there is pressure on land and the social and economic position of tenants in the village is weak, it becomes difficult for them to seek the protection of law. Moreover, resort to legal processes is costly and generally beyond the means of tenants. Thus, in many ways, despite the legislation, the scales are weighed in favour of the continuance of existing terms and conditions."[4]

4. *Third Five-Year Plan*, p. 223.

Another suggestion in this regard is to fix rents in cash rather than in kind. Historically, rents have been paid in kind in India but in view of the fact that the peasants have to make a good many payments in money, while purchasing seeds, fertilisers, implements and other necessaries of life, it would be desirable to switch over to cash payment of rents. This is in fitness with the requirements of a rural economy changing rapidly from barter to money exchange.

Security of Tenure

Sir Arthur Young rightly observed : "Give a man the secure possession of a bleak rock and he will turn it into a garden; give him a nine years' lease of a garden and he converts in into a desert." This remark very pithily sums up the need for providing security of tenure. The personal interest of a cultivator in land with rights of temporary tenancy is very thin. Tenants, therefore, take much less care in preparing land, sinking capital in the form of wells or tubewells on land, or putting up a permanent fence etc. The fear of loss of tenancy right saps all initiative to make improvements in land, reclaim waste-land or make long-term schemes of preserving soil fertility. Consequently, the ends of social justice and maximum production both necessitate the adoption of legislation granting security of tenure. The purpose of such legislation should be to confer the rights of permanent occupancy.

While framing legislation pertaining to security of tenure, three essential aims have to be kept in mind-firstly, that large-scale ejectments of tenants do not take place; secondly, that resumption of land may be taken up by the owner for personal cultivation only; and thirdly, that in the event of resumption, a prescribed minimum area is left with the tenant.

Ownership Rights

Experience of the implementation of zamindari abolition showed that, on the plea of resumption for personal cultivation, evictions of tenants took place on a massive scale. There is no doubt that in certain cases and categories of holders resumption should be allowed, but the plea of resumption should not lead to large-scale ejectment of tenants. For this purpose safeguards are needed. During the Second Plan, states framed provisions for resumption broadly on the following three different patterns :

(i) All tenants have been given full security of tenure, without giving the owners the right of personal cultivation.

(ii) Owners have been given the right to resume a limited area (not more than a family holding in any case) subject, however, to the condition that a minimum area is left with the tenant.

(iii) A limit has been placed on the extent of land which a land-owner may resume, but the tenant is not entitled to retain minimum area for cultivation in all cases.

Uttar Pradesh, West Bengal and Delhi belong to the first category. Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Himachal Pradesh, Assam and Punjab belong to the second category. Jammu and Kashmir, Manipur, Tripura and West Bengal (in case of sharecroppers) belong to the third category. Obviously, the second type of legislation has by and large been accepted by the states.

Voluntary Surrenders and Restorations

Dr. Khusro's study : **"Economic and Social Effects of abolition of Jagirdari and Land Reforms in Hyderabad"** (1948) revealed that evictions of tenants took place on a massive scale. 42 per cent of the tenants suffered at the hands of landed aristocracy and every method, legal or illegal, was applied to compel them to surrender their tenancy rights. Similarly, a study conducted by V.M. Dandekar and G.J. Khundanpur in 1957 on the working of the Bombay Tenancy Act (1948) revealed that in the five years from 1947-48 to 1952-53, the ratio of protected tenants to the total number of tenants declined from more than 60 per cent to a little more than 40 per cent. Moreover, it was disclosed that while on paper 85 per cent of the area resumed by the owners had been voluntarily surrendered, the tenants concerned had in fact been under severe pressure from the owners in about two-thirds of the cases. The net result is that the tenant is reduced to an inferior position of a share-cropper and is subjected to the same risks of exploitation which he faced earlier.

To check the evil of voluntary surrenders, two recommendations were made. First, the voluntary surrenders of land by tenants should not be considered valid unless they were duly regis-tered by revenue authorities; and second, in case of voluntary surrenders, the land-owner should be entitled to undertake cultivation of land only to the ex-tent of his right of resumption by law. There is much leeway to be covered in implementation in this regard so as to save the poor tenants—the most vulnerable, though the most important section in rural India.

Rights of Ownership for Tenants

A very important feature of land reform is the provision of the right of ownership for tenants. The Second Plan considered it very desirable to bring tenants in non-resumable area in direct contact with the State. Earlier the right to purchase was optional to the tenants but this did not prove to be effective.

Table 1 : Ceiling Limits on Land Holdings

(In hectares)

		Irrigated with two crops	*Irrigated with one crop*	*Dry Land*
A.	SUGGESTED IN NATIONAL GUIDELINES OF 1972	4.05 to 7.28	10.93	21.85
B.	ACTUAL CEILINGS			
1.	Andhra Pradesh	4.05 to 7.28	6.07 to 10.93	14.16 to 21.85
2.	Assam	6.74	6.74	6.74
3.	Bihar	6.07 to 7.28	10.12	12.14 to 18.21
4.	Gujarat	4.05 to 7.28	6.07 to 10.93	8.09 to 21.85
5.	Haryana	7.25	10.9	21.8
6.	Himachal Pradesh	4.05	6.07	12.14 to 28.33
7.	Jammu & Kashmir	3.6 to 5.06	– – –	5.95 to 9.20
8.	Karnataka	4.05 to 8.10	10.12 to 12.14	21.85
9.	Kerala	4.86 to 6.07	4.86 to 6.07	4.86 to 6.07
10.	Madhya Pradesh	7.28	10.93	21.85
11.	Maharashtra	7.28	10.93	21.85
12.	Manipur	5.00	5.00	6.00
13.	Orissa	4.05	6.07	12.14 to 18.21
14.	Punjab	7.00	11.00	20.50
15.	Rajasthan	7.28	10.93	21.85 to 70.82
16.	Tamilnadu	4.86	12.14	24.28
17.	Sikkim	5.06	—	20.23
18.	Tripura	4.00	4.00	12.00
19.	Uttar Pradesh	7.30	10.95	18.25
20.	West Bengal	5.00	5.00	7.00

SOURCE : Ministry of Agriculture, *Agricultural Statistics at a Glance* (2002), p. 250.

Thus, the Third Plan suggested that the optional clause be removed and peasants be required to purchase land. Legislation for this purpose was enacted in various states. For instance, in West Bengal the tenants and sub-tenants have been brought into direct relationship with the state by the conferment of full ownership rights. In Punjab, the right to purchase is optional. Legislation has been enacted in Gujarat, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Orissa, Rajasthan, Uttar Pradesh, West Bengal and the Union Territories. It is quite disappointing that in Assam, Bihar, Jammu and Kashmir and Tamil Nadu, no provision exists even for an optional right of purchase. While the state can facilitate the transfer of ownership rights from the landlords to the tenants, no financial burden is imposed on the state. Till date, 124.2 lakh tenants have got their rights protected over an area of 156.3 lakh acres.

Legal Protection to Tenants

Unable to bring about redistribution of ownership of land, the legislation attempted to provide security of tenure to tenants, to fix land rents and conditions of tenancy. Legislation of this type, Mydral opines, "which leaves the landlord in possession of his land while attempting to ameliorate the tenant's plight, is a compromise solution, both politically and economically."[5] Moreover, tenancy legislation being not comprehensive failed to grasp the interdependence of fixation of ceiling on rents and security of occupancy rights. Myrdal focuses attention on this problem in the following words : "In the absence of limits on rents, all rules about security of tenure can be nullified; the landlord can simply raise the rent beyond the tenant's capacity to pay and legally evict him for non-payment. By the same token, legislation on maximum rentals is meaningless if not buttressed by security of tenancy."[6] Besides this, legislation aimed to provide secuity to a minority of tenants who paid fixed rentals and left out the majority of the sharecoroppers who represented the more vulnerable section of the Indian peasantry.

Mr. Ladenjinsky, an American expert on land reforms, after a detailed survey of Tanjore district, observed : "Tanjore . . . . is a district with one of the nation's worst land tenure systems . . . . Some 20 per cent of the tenants held oral leases which deprives them of any legally enforceable tenurial status. Although the law prescribes that the owner shall not be entitled to more than 40 per cent of the produce as rent, such is the pressure of population on land . . . . that the

5. Myrdal, *Asian Drama*, Vol. II, p. 1323.
6. *Ibid.*, p. 1324.

landlord often appropriates 50 or 60 per cent of the crop or more."[7]

4. CEILING ON LAND HOLDINGS

Land reforms in India had envisaged that beyond a certain specified limit, all lands belonging to the landlords would be taken over by the state and allotted to small proprietors to make their holdings economic or to landless labourers to meet their demand for land. Professor D.R. Gadgil justifying an absolute limit to the amount of land to be held by an individual observed : "Among all resources, the supply of land is the most limited and the claimants for its possession are extremely numerous. It is, therefore, obviously unjust to allow the exploitation of any large surface of land by single individual unless other overwhelming reasons make this highly desirable. Moreover, in the context of the current socio-political climate, redistribution of land would rather appear to be imperative."[8] Thus, the case for pursuing a policy of imposition of land ceiling rests on the following grounds :--

(i) In the rural sector, land is the principal source of income. If land--the fountainhead of income--benefits only a minor fraction of the rural population, the whole structure of land ownership fails to meet the ends of social justice. The best course of bringing a reduction in inequalities of income is to bring about a reduction in inequalities of land-ownership.

(ii) A policy of application of capital-intensive methods in Indian agriculture will lead to unemployment on a massive scale. Consequently, the Indian government would like to create a large number of small peasant proprietors. Fears have been expressed by critics that the policy of breaking big estates will transfer land from the resourceful landlords to the resourceless peasants or tenants. It is alleged that such a policy may although enlarge employment, but will adversely affect production.

The whole argument of large-scale economies and maximising production is theoretical. Farm management studies reveal that gross output per acre is greater on small farms than on large farms. According to Professor Lewis, the size of farm is not very material in securing high yields. The experience of Japan--a country of small farms--justifies that labour-intensive methods can result in higher productivity per acre. In Japan, the average size of holding is 1.2 hectares and the yield per hectare for rice is 52.5 quintals. In U.S.A. whereas the average size of holding is 124 hectares, the yield per hectare is 52 quintals, almost equal to that of Japan. Similarly, the large-sized collective farms of erstwhile U.S.S.R. have not been able to produce yield rates comparable to those of Japan. The yield per hectare of rice in the U.S.S.R. was 40 quintals. Consequently, historical evidence supports the imposition of ceiling because such a policy can enlarge employment and while meeting the ends of social justice does not in any way act as a hindrance to achieving maximum production.

Legislation for ceiling on existing holdings and unit of application has been enacted in two phases. During the first phase which lasted up to 1972, ceiling legislation largely treated land holder as the unit of application. After 1972, it was decided to have family as the basis of holding. Further, the ceiling limit was also reduced to bring about a more equitable distribution of this scarce asset. (Refer table 1).

The imposition of ceiling on existing holdings is a knotty problem. In this case, a reorganisation of the present land system has to be effected. For this, a thorough verification of ownership rights has to be made. With it are connected a good many problems, viz., mala fide transfers, exemptions and disposal of surplus land.

Problems of ceiling :

(i) Mala fide Transfers

The legislation pertaining to ceiling on holdings led to a large number of mala fide transfers. These transfers are principally of three types : (a) transfers among the members of the family, (b) benami transfers and other transfers which have not been made for valuable consideration and through a registered document, and (c) transfers made for valuable consideration through a registered document. Since it has been decided to apply ceiling legislation to the aggregate area owned by a family and not by individuals, transfers falling under (a) and (b) may be disregarded. However, transfers falling under (c) may need to be dealt with separately. It is necessary to protect the rights of such transfers, at any rate, up to a prescribed limit, say, a family holding. Plugging of mala-fide transfers is quite essential because they go against the spirit of land reforms.

(ii) Compensation and Allotment of Surplus Lands

Ceiling legislation aims at obtaining surplus lands above a specified limit and then passing it on to small holders, evicted tenants or landless persons

7. Quoted by K.N. Raj, Some Current Hypotheses, *Mainstream*, Oct. 10, 1964, p. 12.
8. *Report of the Committee of Panel on Land Reforms*, p. 99.

against the payment of a purchase price. Thus, this problem has two aspects--(i) compensation that may be paid to the landowners for the acquisition of surplus land; and (ii) the price that may be recovered from the allottees of surplus lands.

With regard to the price to be recovered from the allottees, it has been suggested that the purchase price should be so fixed that the annual burden falling on the allottee on account of instalments of compensation and interest payable thereon, if any, and the land revenue should not exceed the fair rent i.e., one fourth, or one-fifth of the gross produce. The total amount payable as compensation should be recovered from the allottees so that there is no net liability on the state.

In the allotment of surplus lands those tenants who have been displaced as a result of resumption for personal cultivation should be given preference. Along with the case of farmers with uneconomic holdings, landless labourers, particularlly those belonging to scheduled castes and scheduled tribes, should be kept in the priority list.

Progress of Measures Undertaken under Ceiling Legislation

Under the old ceiling laws (till 1972) only about 23 lakh acres were declared surplus in India, out of which only about 13 lakh acres were redistributed. In Bihar, Karnataka, Orissa and Rajasthan, no land was declared surplus on the imposition of ceiling legislation. Obviously, the partitioning of land or benami transfers had taken place before the imposition of ceiling. There was considerable criticism in the country about the ceiling legislation and the way it was being implemented. The Conference of the Chief Ministers held in July, 1972 approved the following guidelines for implementation of land ceiling :

(i) The best category of land in a State with assured irrigation and capable of yielding at least two crops a year should have ceiling within the range of 10 to 18 acres, taking into account the fertility of the soil and other conditions.

(ii) In the case of inferior land, ceiling may be higher but should not exceed 54 acres.

(iii) The unit of application shall be a family of five members, the term family being defined as to include husband, wife and three minor children. Where the number of members in the family exceeds five, additional land may be allowed for each member in excess of five in such a manner that the total area admissible to the family does not exceed twice the ceiling limit for family of five members.

(iv) The ceiling should not operate on land held under tea, coffee, rubber, cardamom and cocoa.

(v) Ceiling should not operate on land held by industrial or commercial undertakings for non-agricultural purposes.

(vi) State governments may, in their discretion, grant exemption to the existing religious, charitable and educational trusts of public nature.

(vii) In the distribution of surplus land, priority should be given to landless agricultural workers, particularly to those belonging to the scheduled castes and the scheduled tribes.

(viii) compensation payable for the surplus land on imposition of ceiling laws should be fixed well below the market value of the property so that it is within the capacity of the new allottees.

(ix) The compensation may be fixed in graded slabs and preferably in multiple of land revenue payable for the land.

Distribution of Surplus Land

Following the guidelines laid down by the Chief Ministers Conference, state governments had revised ceiling legislation lowering the ceiling limits (Refer table 1).

According to the *Annual Report* (2004-05) of the Ministry of Rural Development, since the inception of ceiling laws on agricultural holdings, upto 31st March, 2004, total quantum of land declared surplus in the entire country was 73.36 lakh acres, out of which about 64.97 lakh acres have been taken possession of and a total area of 54.03 lakh acres has been distributed to 54.84 lakh beneficiaries, of whom around 36% belong to the Scheduled Castes and around 15% to the Scheduled Tribes. (Refer table 2). But as facts stand, the progress of distribution of surplus land was palpably slow. Between March 1990 and March, 2004 a span of 14 years, only 7.36 lakh acres could be distributed.

In addition to the distribution of 54.03 lakh acres of ceiling surplus land, an area of 147.5 lakh acres of Government wasteland has also been distributed among the landless and the poor.

Table 2: Cummulative Progress of Implementation of Land Ceiling Laws

(Lakh acres)

	As on 31.3.80	*As on* 31.3.85	*As on* 31.3.90	*As on* 31.03.04
Area declared surplus	69.13	72.07	72.25	73.36
Area taken possession	48.50	56.98	62.12	64.97
Area distributed	35.50	42.64	46.47	54.03
No. of beneficiaries	24.75	32.90	43.60	57.46

SOURCE: Ministry of Rural Areas and Employment, *Annual Report* (2004-05)

Out of a total area of 39.16 lakh acres of Bhoodan land, 21.75 lakh acres have been distributed upto 31st March 2004.

The area declared surplus so far is less than 2% of the cultivated area. The main reasons, as outlined by the Government in Ministry of Rural Development *Annual Report* (1992-93) are as under:

(i) Provisions for holding land up to twice the ceiling limit by families with over 5 members;

(ii) provision to give separate ceiling limit for major sons in the family;

(iii) provision for treating every shareholder of a joint family as a separate unit for ceiling limit;

(iv) exemption of tea, coffee, rubber, cardamom and cocoa plantations and lands held by religious and charitable institutions beyond the normal ceiling limits;

(v) *benami* and *farzi* (Fictitious) transfers to defeat the ceiling limits;

(vi) misuse of exemptions and mis-classification of land;

(vii) non-application of appropriate ceiling to lands newly irrigated by public investment.

The Government, however, is aware that the officially estimated surplus is only a fraction of the area held in large ownership holdings. "According to the National Sample Survey (26th Round, 1971-72) the area owned in holdings of 30 acres or more was 57.81 million acres. Allowing for self-cultivation by surplus owners, the potential surplus would be 21.51 million acres. Similarly the area owned in holding of 50 acres or more was 25.87 million acres and after the self-cultivation deduction the potential surplus would be 8.37 million acres."[9] According to this estimate, the surplus land should have been 30 million acres and not merely 7.4 million acres. The perfunctory manner in which land reform has been dealt with since 1977 leaves no doubt in the minds of observers that the approach to acquiring surplus lands, plugging loopholes in tenancy cultivation, reducing rents, preparation of land records and redistribution of land among the landless labourers and marginal farmers will continue to be casual and half-hearted.

The tardy progress of land ceilings may partly be explained by litigation. About 1.6 million acres or 38 per cent of the area declared surplus under the ceiling laws was under litigation with Andhra Pradesh topping the list with 5 lakh cases followed by West Bengal and Karnataka. While litigation has been an inhibiting factor, there is no explanation as to why thousands of acres, not affected by writ petitions, have not been even scrutinized.

9. Planning Commission, *Draft Five Year Plan*, (1978-83), p. 12.

Implementation of Ceiling Laws

To implement ceiling laws it is necessary to make a complete survey of the lands held in ownership by different persons/families in the village. To make a historical analysis of the ownership of land to study problems like partitioning of land, to evade the ceiling law by voluntary surrenders, or forced evictions, it would be relevant to identify big landowners in a village and prepare genealogical trees for each family. This will enable the government to know the amount of land held in ownership before the introduction of ceiling legislation and the manner in which it was dispersed among the members of the family. Sometimes it is very difficult to comprehend the dispersion of land ownership over time from official records. Land-owners by various ingenious devices try to conceal the ownership or make clandestine transfers. For instance, land owners reclassify lands under exempted categories like orchards, sugarcane plantations, tank fisheries, etc. Similarly, bogus charitable/religious trusts are created to secure exemption. For all these sham and clandestine actions, the landlords are able to obtain the seal of civil courts. To undo the wrong done by the civil courts in collusion with landed aristocracy, it would be appropriate to conduct spot surveys so as to bring about consequential correction of record of rights. The land reform legislation should also have provisions to enable reopening of cases settled by Tribunals/Courts earlier.

Land Ceiling : A Failure

The purpose of ceiling legislation, logically speaking, was to ration out land--the most scarce yet the most basic asset in Indian rural life--among those who were actual tillers, viz., landless labourers, share-croppers or small holders. This could be done by imposing a limit on the possession of land by big holders. Apart from the objection by landlord classes against ceiling legislation, a very large number of loopholes were left in the ceiling legislation. Consequently, evasion was possible even within the legal provision.

The natural result of this was that very little surplus could be acquired after the imposition of ceiling. The intentions of land reform and the provision of ceiling were thus watered down in the process of implementation.

Secondly, law provided a number of exemptions for sugarcane farms, orchards, mango groves, grazing lands, lands for charitable and religious trusts, cattle breeding farms, All these provisions of exemption were used by the vested interests to evade ceiling on holdings.

Thirdly, the judgement of the Supreme Court that compensation should be paid at market value added another dimension to the problem in favour of vested interests. On 26th August 1974, the Parliament passed unanimously the 34th amendment to 9th Schedule of the Constitution and thus took the land ceiling law away from judicial review.

Fourthly, even when ceiling has been imposed on a family basis, the definition of family includes husband, wife and 3 minor children. For instance, if a ceiling of 15 acres has been provided for a family and there are two major children, then the total land that can be held by the family is 45 acres--15 acres for the family and 15 acres for each of the two major children. This is obviously unjust. A better course would be to treat major children as part of the family and give an additional 3 acres of land to each member of the family, subject to maximum of twice the ceiling. For instance, if there are 7 members of the family, including 2 major children, the total land made available to them would be $7 \times 3 = 21$ acres and not 45 acres as at present. This has now been accepted as a guideline in national policy. This course can restrict the ration of land to the owning classes so that more surpluses emerge for distribution among the landless labourers and small farmers.

The ceiling of land holdings was never implemented properly. In the words of Ladenjinsky "while officially the states accepted the ceiling programmes, they rejected them in practice."

Prevention of Alienation and Restoration of Alienated Tribal lands

Article 46 of the Constitution enjoins upon the states to promote the interests of Scheduled Castes and Scheduled Tribes and to protect them from social injustice and all forms of exploitation. Following this obligation, the State Governments have accepted the policy of prohibiting the transfer of land from tribals to non-tribals and for restoration of land which has been transferred from tribals back to them. The states with large tribal population viz., Andhra Pradesh, Madhya Pradesh, Karnataka, Gujarat, Bihar, Orissa, Rajasthan, Assam and Tripura have enacted laws for the purpose. Reports received from various States indicate that as on 30th September 2001, about 3.75 lakh cases of tribal land alienation have been registered so far, covering 8.55 lakh acres of land. Out of them, 1.62 lakh cases have been decided in favour of tribals covering 4.47 lakh acres. In other words, about 52 per cent of area claimed by tribals has been restored. The Courts have, however, rejected 1.54 lakh cases covering an area of 3.63 lakh acres. Tribals in Andhra Pradesh, Gujarat, Karnataka and Madhya Pradesh have benefited substantially from this drive.

Women and Land Rights

To improve the status of women in landed property, states like Karnataka, Tamil Nadu and Andhra Pradesh have amended the Hindu Succession Act, 1956. Some states like Rajasthan and Madhya Pradesh have decided that issues relating to property rights would be dealt with in accordance with appropriate personal laws. Other states have yet to take adequate steps to provide the Constitutional/legal protection to women with respect to their rights in landed property.

Computerisation of Land Records

Since the inception of the Scheme regarding computerisation of land records, there is a gradual progress in the implementation of the Scheme. Upto 31st December 2001, the Scheme was implemented in 569 districts of the country. A sum of ₹ 219 crores has been released by the Ministry upto 31.12.2001 for the purpose and it is hoped that substantial progress will be achieved during the Tenth Plan.

5. AN APPRAISAL OF LAND REFORMS

Land reform programmes were started with a thunderous enthusiasm, but soon the vitality of this enthusiasm was lost and the implementation of land reforms became a very tame affair. There is no doubt that land reforms were conceived broadly in a proper perspective but being riddled with loopholes, they have brought little justice to the rural people. Professor M.L. Dantwala rightly observes : "By and large land reforms in India enacted so far and those contemplated in the near future . . . are in the right direction; and yet due to lack of implementation the actual results are far form satisfactory."[10]

Reasons for the poor performance of Land Reforms Programme

In a forthright analysis, the Planning Commission Task Force headed by Mr. P.S. Appu mentions the following as the principal reasons for poor implementation of land reforms : lack of political will; absence of pressure from below because the poor peasants and agricultural workers are passive, unorganised and inarticulate; lukewarm and often apathetic attitude of the bureaucracy, absence of up-to-date land records, and legal hurdles in the way of implementation of land reforms. The Task Force categorically concludes : "In a society in which the

10. Report of the Tokyo Seminar on *Problems of Economic Growth*, Congress for Cultural Freedom, p. 2.

entire weight of Civil and Criminal laws, judicial pronouncements and precedents, administrative tradition and practice is thrown on the side of the existing social order based on the inviolability of private property, an isolated law aiming at the restructuring of property relation in the rural areas has little chance of success. And whatever little chance of success was there completely evaporated because of the loopholes in the laws and protracted litigation."[11]

The basic problem in the implementation of a programme of land reform is to break the stranglehold of the vested interests in land and the legal support given by the judiciary to the vested interests in the name of sanctity of private property. Obviously, the talk of strengthening administrative machinery without creating conditions for breaking the stranglehold of the holy trinity, i.e., landlord-moneylender-trader, is nothing but lip service to the poor peasantry. In case a frontal attack has to be made with a view to ensuring justice to the rural proletariat engaged in cultivation, the bold suggestions given by the Task Force on Agrarian relations must be implemented in letter and spirit :

1. Judiciary should not be involved at any stage in the implementation of land reforms. This suggestion has been given because civil legislation by its very nature is time-consuming and dilatory. Moreover, the decision of the Court depends upon the production of evidence and experience shows that the stronger party (viz., the landlord) has always been able to produce greater evidence by using all kinds of pressures both legal and illegal.

2. Organisation of the poor peasantry into strong trade unions is a pre-condition of land reform. The State can provide representation to the poor peasantry, specifically in the administrative machinery at various levels. For instance, land reform committees at the village, taluqa or district levels should have a majority representation of marginal farmers, sharecroppers and landless labourers. These committees should be made responsible for the implementation of land reform. The naked truth is that the share-cropper is at the mercy of the landlord for his very existence. The support given by the judiciary and the whole army of officers like tehsildars, consolidation officers, patwaris, etc., has created a feeling in the mind of the poor peasantry that the state apparatus is in collusion with the big landed aristocracy.

Following the Report of the Task Force on Agrarian Relations the Government thought of initiating measures so as to plug loopholes in the existing tenancy laws to ensure security of tenure, conferment of ownership rights on cultivating tenants and share-croppers.

Ceiling laws in all the states were revised or enacted in accordance with the national guidelines. Most of the revised ceiling laws were included in the Ninth Schedule of the Constitution, for giving protection from being challenged on constitutional grounds. However, the implementation of revised ceiling laws has been practically stalled in Gujarat, Haryana and Punjab. The Punjab and Haryana High Courts struck down certain provisions of the Punjab Ceiling Law and held that the definition of "person" so as to include "family" is artificial and unconstitutional. It also held that if some persons were to be deprived of land, compensation will have to be paid at the market value of land in accordance with Article 31-A of the Constitution. This judgement was also availed of by the land owners in Gujarat to stall implementation of ceiling legislation in that state.

The mere inclusion of a law in the Ninth Schedule to the Constitution is no guarantee against the law being challenged in the courts of law. The laws have been challenged on various other grounds, such as (*i*) inconsistency with Articles 14, 19 and 31 of the Constitution, (*ii*) discrimination between major sons and the minor sons as well as major daughters and unmarried minor daughters, (*iii*) the basis of classification of land, (*iv*) rates of compensation, (v) the manner of computing standard acres, (*vi*) arbitrariness in the definition of the word 'family', etc. Towards the end of 1984, there were as many as 1.6 million land ceiling cases pending in the courts all over the country.

Giving an overall assessment of the land reform measures, the Sixth Plan (1980-85) mentioned : "If the progress of land reforms has been less than satisfactory, it has not been due to flaws in policy but to indifferent implementation. Often the necessary determination has been lacking to effectively undertake action, particularly in the matter of implementation of ceiling laws, consolidation of holdings and in not so vigorously pursuing concealed tenancies and having them vested with tenancy/occupancy rights as enjoined under the law."[12]

Following the directions given by the Sixth Plan, some state governments barred the jurisdiction of civil courts and made provisions in ceiling laws for appeal and revisions through revenue courts and tribunals. The scope of appeals and revisions was restricted to not more than one each. A number of states took measures for reduction of permissible time for filing of appeals and revisions of petition.

11. Planning Commission, *Report of the Task Force on Agrarian Relations* (1973), pp. 9-10.

12. Planning Commission, *Sixth Five Year Plan* (1980-85), p. 115.

The Sixth Plan Mid-term Appraisal commended the efforts of the West Bengal Government in providing security of tenancy. It mentioned : "In West Bengal share-croppers are being registered in the record of rights under a special programme to enable them to get the benefit of security of tenancy . . . . The mechanism evolved in this regard in West Bengal for the recorded sharecroppers and assignees of ceiling surplus land may be adopted with suitable modifications in other areas also."[13]

The Mid-term Appraisal drew attention to the fact that the mere transfer of ownership or provision of security of tenancy was not enough in itself either to raise productivity or bring the marginal farmers/ landless labourers above the poverty line. "Unless the beneficiaries of land reform, most of whom belong to the poorest segments of the community, are supported by other ongoing rural development schemes like IRDP, DPAP, NREP, etc., it would be difficult for them to make productive use of the land or to reap the benefit of security of tenancy."[14] But the unfortunate fact is that land reforms are a low priority item in our development strategy, despite all talk of socialism and building up an egalitarian society and lifting people above the poverty line.

Seventh Five Year Plan and Land Reforms

Although emphasizing the role of land reforms, the Seventh Plan clearly states : "Land Reforms have been recognised to constitute a vital element both in terms of the anti-poverty strategy and for modernisation and increased productivity in agriculture. Redistribution of land could provide a permanent asset base for a large number of rural landless poor for taking up land-based and other supplementary activities. Similarly, consolidation of holdings, tenancy regulation and updating of land records, would widen the access of small and marginal land-holders to improved technology and inputs and thereby directly lead to increase in agricultural production"[15] yet in practice, it was found that "there was little or no linkage between this Programme and IRDP or the NREP/RLEGP, and it functioned in isolation."

As a ritual, the Ninth Five Year Plan (1997-2002) has devoted two paragraphs on land reforms. It states: "All possible efforts would be made to detect and redistribute the surplus land and to enforce ceiling laws with firmness. ... Absentee landlordism must be eliminated by plugging the legal loopholes, tightening the implementation machinery and providing for speedy adjudication of disputes in revenue courts. ... Rights of tenants and sharecroppers need to be recorded and security of tenure provided to them. This alone would provide incentive for increasing investment in agriculture, as experience in certain parts of the country has shown. Preference should be given to poor, especially women with respect to wastelands and common property resources."[16]

Dr. P.K. Agrawal who has made a study of land reforms in selected states has put forth certain additional and very useful suggestions. They are :

(i) Excess land taken over from big landholders should be distributed expeditiously and to assist the land reform beneficiaries, there is a strong need to link them for timely supply of inputs nd investment to Jawahar Rozgar Yjana/ Prime Minister's Rozgar Yojana.

(ii) Priority should be given to preparation, maintenance and computerisation of land records. All tenants including share croppers should be identified and their rights should be recorded and permanent heritable rights should be conferred on them on the lines of "Operation Barga" implemented by the West Bengal Government in a campaign mode. Certified extract of the record should be issued in the form of updated "Farmers Passbook' or otherwise.

(iii) Special attention should be paid to tribals. Loopholes in laws applicable to them need to be plugged and administrative machinery need to be strengthened. Cadastral surveys showing the extent, value and ownership of land of tribal areas should be completed where it has not been done.

(iv) The definition of personal cultivation should lay stress on the following ingredients: (a) the person claiming to be in cultivation of the land must bear the entire cost of cultivation; (b) He must cultivate his own land by his own labour or by the labour of any member of his family; (c) He or member of his family should reside for the greater part of the year in the locality where the land is located; and (d) cultivation should be the main source of his income

(v) No transfer of agricultural land should be permitted to a non-agriculturist.

(vi) Resumptions of land by landowners from tenants for self cultivation should not be allowed except in case of physically handicapped or serving army personnel.

13. Planning Commission, *Sixth Five Year Plan* (1980-85), *Mid-term Appraisal*, p. 54.
14. *Ibid.*, p. 54.
15. Planning Commission, *Seventh Five Year Plan*, (1985-90), Vol. II, p. 62.
16. Planning Commission, *Ninth Five Year Plan*, (1997-2002), Vol. II, p. 448

(vii) In case of a dispute between the landowner and the persons claiming to be tenants/share-croppers, the onus of proof should be shifted to the landowner. The tenant/share-cropper should be allowed to deposit the share of the produce of the land owner with the nearest authority.

(viii) Recognised Peasant Organisations/Agricultural Labour Organisations or acknowledged voluntary organisations should be associated with the identification of informal tenants/share-croppers and permitted to file claims for conferment of occupancy right/ownership right to the concerned person before an appropriate authority.

(ix) Political will should be created. For this landless, small and marginal farmers' representatives should be given representation in local panchayat bodies and ministries so that they are associated at each decision making level.

(x) The poor peasants may be provided legal aid upto the level of the Supreme Court. The Lok Adalats should be empowered to dispose of land reform litigations along with prompt disposal of cases by rural courts i.e. Nyaya Panchayat/rural Nyayalaya.

Land Reforms and New Economic Policy

Mr. P.S. Appu while recommending the 'Barga Operation' type land reform adopted by the Left Front Government in West Bengal in 1977, mentions: "The emphasis should now shift to the role of land reform in fostering agricultural growth and augmenting employment opportunities. An improvement in the incomes of the rural poor is a matter of high priority not just for altruistic reasons. Increasing incomes mean increased purchasing power. The resulting spurt in the demand for goods of mass consumption will foster industrial growth. And that could pave the way for the success of the new economic policy that depends on the market as the engine of economic growth. We need certain minimal measures of land reform to facilitate the growth of the Indian economy on the capitalist path of development that we have now chosen." [17]

Dr. P.K Agrawal reinforcing the view of the P.S. Appu mentions: "According to protagonists of farmers, the fort built by liberalisation and globalisation is made on sand. Unless purchasing power is given in the hands of the teeming millions, liberalisation cannot sustain. Land reform provides on area in which no financial investment is required. It certainly requires a government with strong political will which can withstand initial upheavals or shocks before achieving the goal of egalitarian society through stable instrumentality of landreform." [18]

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